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Executive Registry
66-3992/6

23 SEP 1966

MEMORANDUM FOR: Executive Director-Comptroller

ATTENTION :

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SUBJECT

: Draft "Policy Guide Governing Public Appearances and Open Publication by CIA Employees"

1. This memorandum is for information only.
2. The referenced paper has been reviewed and the following comments are offered:
 - a. Page 1, Paragraph 1, under heading "The Agency Employee";

There have been a number of instances recorded in which employees under cover have submitted manuscripts for approval toward open publication, cases in which the subject matter presented has not been sensitive, in which cover has not been an issue and in which approval of the cover organization has been obtained. In these cases, identification with the Agency was neither contemplated nor reflected.

This statement, thus, is unduly restrictive as presently drawn. It should permit the specified activities, provided there is no attribution to or identification with CIA and provided all other conditions are met.

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Excluded from automatic downgrading and declassification

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b. Page 2, Paragraph 3;

Inclusion of the statement "... provided his actions are not likely to reflect adversely on the Agency..." in a policy paper appears to be somewhat superfluous in that this sort of admonition is implied, if not expressed, in virtually all activities engaged in by Agency employees.

c. Page 3, Paragraph 4, under heading "Procedures and Responsibilities", concerning the establishment of a panel;

There have been instances of conflict or lack of agreement in the past, but these have been few and far between and have been primarily in the field of policy decisions. Coordination with interested components has generally resolved the issue, although we are aware of some few recent cases which required resolution at the Office of the Director level.

Based on our past experience, we are not certain that a panel need be established to resolve anticipated conflicts. We note, however, that the draft proposes the Assistant to the Director chair such a panel, and it appears he would thus be placed in a dual and somewhat embarrassing position. Under the Regulations, the Assistant to the DCI is the final approving authority in these matters and, as such, renders the very decisions upon which a conflict or a lack of agreement may arise; thereafter, under the draft proposal, he chairs a panel considering his decision which can only result in a reversal of his position or a referral of the matter to higher authority for resolution. We believe, therefore, that cases of

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conflict should be presented to either the Executive Director-Comptroller or the DDCI for review, rather than to a panel of the sort envisioned in this draft. As stated, cases for review of this sort have been few and far between.

Historically, there have been few instances where security issues have been paramount and where the Director of Security has denied approval. In each such case the Assistant to the DCI has supported the security disapproval.

3. In addition, it is our opinion that a policy guide should include further information on the procedures to be followed by employees requesting approval to engage in the specified activities. In the past spring, this Office drew up proposals on such procedures, incident to instructions by the Executive Director that there be established more effective controls on the possible release of information in this area of activity. These proposals were concurred in by all Directorates and by the Assistant to the DCI and were then combined with proposals by the DDI into a draft Headquarters Notice, which, if approved, would have established a somewhat permissive policy together with procedural steps to be followed in requesting Agency approvals. Action to pursue this matter, to the point of submitting the notice for issuance, was deferred until the question of identification of an employee with the Agency in such activities was resolved.

4. For your consideration and possible use, that portion of the draft Headquarters Notice which relates to the agreed upon procedures to be followed is quoted hereinafter. There is also attached a copy of the certification to be made by an employee and submitted with his request for Agency approval of the outside activity.

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"Henceforth, requests for approval to attend and to participate actively, i.e., speak, present papers, etc., at various academic and professional meetings or to submit manuscripts for publication will be submitted in memorandum form (replacing the Outside Activity Approval Request form for this purpose). The memorandum will set forth the pertinent data (identification of the meeting and the nature of the employee's participation or the publisher or media as applicable) but with explanation and description which will brief the approving officers on the background and context of the activity. This memorandum will be accompanied by a security certification statement, copies of which can be obtained from the Office of Security through the employee's administrative staff. The purpose of the statement of certification is to simplify and expedite the process of review and decision. The statement is a check list of the safeguards requisite for protection of both employee and Agency, with provision for comment should the applicant or his office believe that special consideration or exceptions are warranted.

Requests for approval will be forwarded, with copies of the speech, paper or manuscript concerned (if ready, otherwise to follow when ready) to the head of the operating office concerned--or to his designee--who will indicate his concurrence, validating the requester's certification. The request will then be transmitted to the Office of Security for review and to the Assistant to the DCI for approval in accordance with [redacted] Under these procedures, preliminary approval to engage in an activity can be granted prior to the submission of a pertinent paper with final approval contingent upon further concurrences and review of the manuscript itself.

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In this way, the employee and his originating office will provide a fuller account in writing of the nature and circumstances of the activity for which approval is requested and thus give the Office of Security and the Assistant to the DCI more particulars and counsel than has been the practice heretofore. The originating office will have a primary role because it is generally in the best position to advise the approving officials concerning security of information presented and the propriety of its release in relation to U. S. foreign policy.

Existing regulations will be amended to reflect Agency policy more appropriately and to update procedures in these matters."

5. The matter of identification of an individual as an employee of the Agency in pursuing these activities clearly depends on cover considerations. We endorse the statement in Paragraph 3, Page 2, that overt employees should be free to so identify.



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Deputy Director of Security
for Personnel Security

Attachment

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Certification To Be Made By
Employee Requesting Approval For Public Presentation
Of Manuscript

I certify that, except as especially noted, the attached manuscript intended for spoken or printed presentation does not, or will not (when prepared and submitted for approval),

- a. pertain to the subject of intelligence, either factual or fictional.
- b. reveal classified information about programs or functions of this Agency or any other intelligence agency.
- c. contain classified data or controlled or Official Data not previously officially released or not in the public domain.
- d. in any way disclose sources or methods unique to intelligence.
- e. contain information on foreign countries or foreign policy (including military), which might embarrass the U. S. Government or this Agency if uttered or published - whether or not the author's affiliation with this Agency is known or may become known.
- f. relate to responsibilities the author has or may have had for this Agency in a way which would reveal the classified organization and operation of the Agency.

I also certify that the manuscript has not been and will not be submitted to any editor or publisher in advance of approval by CIA.

Except as otherwise noted in my request, I further certify that there will be no reference to, or discussion of, my CIA duties or assignments in connection with the utterance of this speech or the publishing of this manuscript nor will there be any reference to my CIA employment except as authorized by HR

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(signature)

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ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM:

DD/PS

EXTENSION

NO.

DATE

STAT

TO: (Officer designation, room number, and building)

DATE

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

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9/23

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